



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,668	10/11/2001	Seiichi Hirano	448563/0046	2079

7590

08/27/2003

Lawrence Rosenthal  
Stroock & Stroock & Lavan LLP  
180 Maiden Lane  
New York, NY 10038

EXAMINER

BROOKE, MICHAEL S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/976,668

Applicant(s)

HIRANO ET AL.

Examiner

Michael S. Brooke

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24-38 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/834,151.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Reissue Applications*

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (JP-04007185) in view of Saito et al. (5,136,308).

Ishii teaches an ink jet print head (12) having a nose portion through which ink is ejected. The printer comprises a paper feeding path, a paper feed roller (1) having a peripheral surface coincident with a portion of the feed path, a presser (4), which is a pinch roller, that abuts the feed roller at a contact position, a flat paper guide (5) that is disposed downstream of the contact position and a deflector (17) that is located downstream and apart from the contact position. Furthermore, as can be seen in Fig. 2, the deflector (17) extends across the width of the sheet of paper. While, Ishii does not explicitly teach a driving device for the feed roller, such a device would inherently be

found in an ink jet printer, as it is necessary to provide power to the feed roller, so that the recording sheet is fed into the printer. Furthermore, as can be seen in Fig. 1 the paper feed path between the presser (4) and the print area is substantially flat.

Ishii teaches the claimed invention with the exception of a plurality of projections on the paper guide surface, wherein at least some of the projections are at least in part disposed inside the printing area, which is located between the contact position and a position where the nose portion opposes the paper guide, the projections being arranged transverse to the printing paper and wherein at least one of the projections extends from within the printing area to a point downstream of the printing area.

Saito et al. teaches (Figs. 27, 31A) an ink jet printer comprising a platen (paper guide) (12) that is positioned opposite a print head (8). The entire surface of the platen has a series of ribs (12a) which are disposed transverse to the printing paper. The ribs allow excess ink to pass through the platen and into an absorbing member (213). This structure prevents ink scattering and contamination of the recording medium (col. 13:56-68 and col. 14:1-6). Furthermore, as can be seen in Fig. 27, the platen extends beyond the printing area. Therefore, since the ribs are formed on the entire surface of the platen, the ribs would extend beyond the printing area.

It would have been obvious to one of ordinary skill in the ink jet art at the time the invention was made to have provided in Ishii et al., a paper guide having an absorbing member and a series of ribs which are formed on the entire surface of the paper guide, so as to extend beyond the printing area, wherein the ribs are formed transverse to the

printing paper for the purpose of preventing ink scattering and contamination of the recording medium.

***Allowable Subject Matter***

4. Claims 1-23 are allowed.
5. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicants' arguments filed 08/05/03 have been fully considered but they are not persuasive.

Applicants' have submitted the references Tanaka et al. and Martin et al., as evidence of the paper sagging between the ribs. However, as pointed out in the Final Rejection, the Applicant indicated that it is known in the art to prevent such sagging by the use of a suitable discharge roller (see Applicant's response, filed 11/14/02, p.5:para. 2). Applicants' further argue that Tanaka and Martin undercut the use of a discharge roller to prevent paper sag. This is not persuasive. The Applicants' themselves stated that the a discharge roller could be used for such a purpose. Tanaka and Martin merely recognize the limitations of using a discharge roller for such a purpose and provide an improved means of eliminating paper sag. That Tanaka and Martin teach an improved means of accomplishing the same result, does not negate the Applicants' assertion that

Art Unit: 2853

a discharge roller could be used. Thus, based upon the prior art references and the Applicant's admission, it would be known to one of ordinary skill in the art to add ribs to the platen of Ishii and to provide a suitable means of eliminating the paper sag.

The Examiner also wishes to point out that given the structure claimed by the Applicants, such paper sag would also occur. Applicants' should claim whatever means is being used to prevent such paper sag.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. Brooke whose telephone number is 703-305-0262. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 703 308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Michael S. Brooke  
Examiner  
Art Unit 2853